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ABSTRACT

An education voucher system would be more egalitarian than the existing tax code and would force the educational establishment to pursue needed reforms. The current property tax deduction system favors the rich, but the voucher system would offer the same relief to every taxpayer regardless of income and even would provide assistance to poor, nontaxpaying families. The money for this program can come from transforming Chapter 1 of the Education Consolidation and Improvement Act into a voucher system, continuing the program's focus, but making it consumer-oriented rather than provider-oriented. This is essentially what the Equal Educational Opportunity Act would do. Those who argue against changes in Chapter 1 say it is a successful program, but there is no strong evidence in the form of increased student achievement. They suggest lower-income parents are not able to make the best education decisions on their own; such parents, however, are educationally perceptive. Opponents fear increases in racial segregation, yet the average private school is considerably better integrated than the average public school. The issue of principle is this: whose child is it? If the answer is "the parents," the burden of proof is on those who would limit, regulate, or deny parental choice. If the answer is "the state," then the burden of proof falls onto the parental mavericks who seek "exemption" from the universal presumption that government is the superior educator. Recent history has shown that as parental choice has been replaced by centralized educational decision-making, academic performance has declined. (DCS)

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Robin Hood Goes to School: The Case for a Federal Voucher Program

Lawrence A. Uzzell

America's public schools are pretty bad. Most observant laymen have known this for some time, but only recently have the people who run these schools started to admit it. Like the status of blacks on the eve of the civil-rights revolution, public-school mediocrity has finally become an officially sanctioned crisis.

But there is little agreement on what to do about it. If the civil-rights parallel holds, we can expect today's kindergartners to become assistant professors in the time it will take us to reach such agreement and then put it into practice. Thus, for millions of children the only realistic short-term hope of decent schooling lies in the private sector.

If our sole purpose were to help as many of these children as possible, the case for tuition tax credits would be irresistible. But opponents of tax credits make two counterarguments. First, they claim that the principle of "equity" for social groups outweighs the principle of freedom of choice for individuals. Second, they claim that tuition tax credits would violate this principle by taking from the poor to give to the rich, or at least to the middle

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class. They portray themselves as Robin Hoods, protecting the oppressed from the wicked Sheriff of Nottingham as played by Ronald Reagan.

Note that *both* these counterarguments must be true for the case against tuition tax credits to stand. If the first is true but the second false, then the case against tax credits collapses. Therefore, you can be a liberal and still support tuition tax credits. If you are a really pure liberal who applies the "Robin Hood" standard consistently, then you *must* support tuition tax credits.

Here is why. The federal tax system as currently structured allows taxpayers to deduct their state and local tax payments from their taxable incomes. It thereby provides massive indirect tax breaks to public schools. But these tax breaks are not at all neutral in their effects on different categories of parents and of schools. They help homeowners more than renters, suburbanites more than city-dwellers, rich neighborhoods more than poor neighborhoods, and whites more than blacks. They encourage parents who can afford it to move from city to suburb, and thus in effect promote racial separation. They have no upper limit: they help the super-rich more than the moderately rich, and are therefore consistently regressive in their effects on how the federal tax burden is distributed.

In every one of these respects, tuition tax credits would be more egalitarian than the existing tax code.

Consider a hypothetical example. Mr. and Mrs. Louis Noblesse are corporate lawyers with a combined income of $100,000. They rent an apartment in an integrated urban neighborhood for $1,000 a month. Mr. and Mrs. Noblesse want their two children to have the best education they can afford. If they stay in the city, that means paying $4,000 per child for annual tuition to an elite private school, or $8,000 in total. The alternative is to buy a home in a wealthy suburb, which will cost $25,000 a year in mortgage and property-tax payments. (Most of the property tax is in effect a tuition payment to the suburban public school, which is intellectually almost as exclusive as the urban private school, and socially a lot more exclusive.) But most of this

$25,000 figure is deductible, and since the Noblesse family occupies the highest tax bracket a federal tax deduction is worth a lot to them—say $10,000. Thus, their real cost of housing and schooling in the suburbs will be only $15,000, while the total cost of housing and schooling in the city is $20,000. The Noblesse family would be crazy not to move.

Compare Mr. and Mrs. George Bourgeois, who earn $35,000 a year and can buy a suburban house whose annual mortgage and property-tax payments total only $12,000. The Bourgeois family occupies a medium-high tax bracket, so their deduction will be worth $2,000 and their real cost of housing and schooling in the suburbs will be $10,000. The alternative is to stay in the city, paying $8,400 in rent plus $2,000 in tuition to a decent Catholic school, not one penny of which is deductible. They will probably move.

Note that Mr. and Mrs. Noblesse get a federal tax break of $10,000 and Mr. and Mrs. Bourgeois a tax break of only $2,000. But Mr. and Mrs. Sam Prole, who earn $10,000 a year, get no tax break at all. They cannot afford to buy a home in the suburbs, nor can they afford to send their children to a private or parochial school. Their children are stuck in a mediocre, government-operated school, and their neighborhood is drained of middle- and upper-income families thanks to the unintended incentives of the federal tax system.[1]

But behold the superiority of tuition tax credits. Unlike a deduction, a credit offers the same relief to every taxpayer regardless of income. It helps renters just as much as homeowners, city-dwellers as much as suburbanites—and blacks more than whites, since blacks are more likely than whites to be the captive customers of monopoly government schools under the status quo. Since private schools are generally more integrated than public schools, it also advances the goal of mingling children from diverse racial and economic backgrounds.

Suppose you are such a thoroughgoing egalitarian that the only goals you care about are wealth, redistribution and racial integration; that you are completely indifferent to issues like parental freedom and academic excellence.

Even on that basis, you have to be for tax credits once you compare them with the existing system.

In fact, you have to conclude that there is only one, forgivable defect in the tuition tax credits proposals to date: they do not go far enough.

They do not go far enough, because they do not provide financial assistance to those families who are so poor that they do not pay any taxes at all. If you are not a taxpayer, you cannot get a tax credit, even though your children would benefit indirectly from the results of other parents getting tax credits. What you need is a voucher system.

Education vouchers would help the poor buy schooling in the same way that food stamps, rent subsidies, Medicaid, and Pell grants for college tuition help them buy other social services. In these other social programs, the government uses transfer payments to support consumer choices. The citizen decides where to live, convalesce, study, or buy groceries; and the government signs the check. If anyone were to suggest that the poor should be allowed to receive these subsidies only if they agree to patronize a state-operated monopoly, the hills would echo with the cry of "Paternalism!" But for some reason, the poor are treated as if they were incompetent to make intelligent decisions in one and only one area of their lives: elementary and secondary education. Vouchers would change that by directing government subsidies to individuals, not institutions.

But with a budget deficit that may soon exceed $200 billion, Congress might not be comfortable with the idea of a voucher system that could easily cost three times as much as the Reagan proposal for tuition tax credits. Fortunately, a Congressional staffer has already figured out a way around that problem. Just tap into an education program that already exists, is already budgeted at $3 billion a year, and is already targeted to the poor. Retain the program's existing focus on disadvantaged children, but make it consumer-oriented rather than provider-oriented, pluralistic rather than statist, competitive rather than monopolistic. Get rid of the assumption that the poor cannot be trusted.[2]

This existing program is called Chapter One of the

Education Consolidation and Improvement Act.[3] It is the biggest single program in the U.S. Department of Education. Transforming it into a voucher system would be the single most radically egalitarian and populist act in the history of American education.

Late in 1982, President Reagan's Advisory Panel on Financing Elementary and Secondary Education proposed just that.[4] A few months later, the President announced the "Equal Educational Opportunity Act."

Mr. Reagan's proposal does not go as far as his advisory panel recommended, but it is still a dramatic step in a new direction. Instead of restructuring the entire $3 billion Chapter One budget, the Reagan bill would leave the decision to state and local governments. Dollars would continue as before to flow to communities with disadvantaged children, but for the first time a state legislature or local school board would be allowed to distribute some or all of its Chapter One funds to individual families in the form of vouchers.

The text of the Equal Educational Opportunity Act is only half as long as the current version of Chapter One. Most of it consists of safeguards to prevent vouchers from going to parents who choose schools that practice racial discrimination. These provisions are copied almost verbatim from the Administration's tuition tax credit bill, in which setting they have already received strong bipartisan support from the members of the Senate Finance Committee.

As recommended by the advisory panel, the Reagan proposal is designed to help full-time, not part-time, students. The child who transfers from a public school to a private school, or to a public school outside his own district, would be eligible for a voucher. But the voucher could not be used for, say, evening piano lessons from a private tutor.

The focus of this voucher proposal, unlike some others which have been discussed, is the child's core educational program, rather than supplementary services. If that program is not satisfactory, parents should have the means to select the best alternative they can find. They should not

have to settle for a few hours a week of supplemental patchwork. But if the child needs a lot of remedial work in reading, parents can choose whatever school they think has the best remedial program. The key point is that it will now be the *parents* who make that choice—not local administrators or Washington rule-writers and auditors.

This bill was drafted with meticulous attention to the fears of those who see any voucher system as a potential threat to the independence of independent schools. Recent events have proved these fears to be all too valid.[5] So it is important that legislative draftsmen do everything possible to minimize the dangers. The Equal Educational Opportunity Act states that "Payments made by a local educational agency to a private school or to another local educational agency pursuant to an educational voucher program under this chapter shall not constitute Federal financial assistance to the local educational agency or private school receiving such payments, and use of funds under the chapter received in exchange for a voucher by a private school or by a public school located outside of the school district in which the eligible child resides shall not constitute a program or activity receiving Federal financial assistance."

If the enemies of educational freedom were honest, that would end the issue. They would recognize that the only way they could bring private schools under their regulatory yoke would be to amend the law, and they could never muster the votes in Congress for such an amendment. But they are not honest. As the history of racial quotas since the 1964 Civil Rights Act has clearly shown, they have no scruples about interpreting a law to mean the direct opposite of what the law says.[6]

Thus, the autonomy of private schools in this country will always be at risk, no matter what the law says. Fundamentalist Christians who think that they can keep their schools secure by defeating voucher and tax-credit plans are simply mistaken: the state of Nebraska has no voucher plan, but powerful forces in that state have worked diligently to outlaw private schools whose teachers are not products of state-sanctioned training programs.[7] The surest protection

for private schools is a large and well-informed constituency, and this voucher plan will help build such a constituency.

As fundamentalist leader Robert Baldwin has observed, "While opposition to tuition tax credits is no solution to control, neither is giving up one constitutional liberty in order to protect another. . . . Christian schools and parents must not give up their rights for fear of what might happen. They must demand what is rightfully theirs and fight for it to the end. If they lose, then they should be willing to continue without the use of their own educational tax dollars, but not before they have tried to retain that right. To give up without a struggle would not be good stewardship of what God has given."[8]

Like tuition tax credits, the voucher plan would help to reverse what Texas sociologist Lucy Patterson called "a dangerous trend which has even intensified during the Reagan era. Schools have been getting more and more politicized. Until recently, the most active political elements came from the left, with pacifists, feminists, and environmentalists all seeking to reshape textbooks and courses according to their own imperatives. None of these groups has slackened its efforts, but they have now been joined by equally well-organized forces from the other end of the spectrum. All of these activists feel a sense of mission to the young, and all seek to harness the power of government monopoly to help them advance that mission."

Mrs. Patterson rightly accuses "some of the right-wing and all of the left-wing groups" of failing to see "that nobody in a free society has the right to force-feed his own ideology to another's children without the other person's consent. In a society as incredibly diverse as late Twentieth-Century America, the only way we can all live at peace with one another is to take volatile issues like feminism, sex education, and creationism out of the 'winner-take-all' arena of monopoly education. There will always be a fundamentalist Christian minority in San Francisco, and there will always be a Unitarian minority (or its equivalent) in Alabama. Unless these minorities have a realistic option to

send their children to schools consistent with their own vision of the truth, the politics of public education will keep growing harsher, shriller, and more depressing."[9]

The existing, pre-voucher Chapter One program obviously contributes nothing to the cause of depoliticizing schools. But this is not the only respect in which new-style Chapter One is superior to old-style Chapter One.

Old-style Chapter One favors some disadvantaged children over others, but new-style Chapter One treats all children equally. The original intent of Congress in enacting the Chapter One program in 1965 was to provide "equitable services" for disadvantaged children in private as well as government schools. But the program was, and is, set up in such a way as to make it impossible in practice for private-school students to get their fair share. Since all substantive decision-making under the existing structure is in the hands of Federal, state, and local government agencies, the program inevitably discriminates against students in non-government schools.

For example, a recent study found that only one-fourth of the local school districts receiving Chapter One funds served *any* students in private schools.[10] By transferring effective control to individual parents, new-style Chapter One would immediately and automatically end this inequity.

Even if government-school officials were completely even-handed in the way they distributed funds, old-style Chapter One would still be unfair to private schools because of its requirement that the money can only be used to pay for teachers hired and supervised by the government and for classes controlled by the government. For example, suppose that St. Mary's School has a dozen disadvantaged children who are eligible for Chapter One services. Under the existing structure, the only way those services can be provided is for St. Mary's to set up a separate classroom which will be visited by a teacher who is an employee of the local *public* school system. No matter how superior St. Mary's own faculty may be, and no matter how much St. Mary's parents may desire continuity and cohesiveness in

their children's school experience, old-style Chapter One money may not go to any class which St. Mary's actually controls. Thus, the *status quo* allows independent schools merely to *host* Chapter One classes, not to *run* them. But under new-style Chapter One, vouchers could be used to support classes that are genuinely independent.

Another advantage of new-style Chapter One is that it will begin to substitute local creativity and flexibility for the cumbersome, top-heavy regulations that characterize old-style Chapter One. For example, the existing structure forces schools to organize their programs in a way that pays more attention to the convenience of Federal auditors than to the needs of teachers and children. In a typical Chapter One school, disadvantaged children spend most of the school day in the same classroom with the same teacher as their non-disadvantaged peers. But for part of the day—perhaps an hour—they are pulled out of the regular classroom to receive separate instruction in a separate classroom from a separate teacher or teacher-aide. *Usually, their regular class continues in session at the same time.* After the children return from their Chapter One session, their regular teacher may or may not be willing and able to help them catch up with whatever material they missed. By its very nature, Chapter One thus tends to aggravate the problems of cohesion and control which plague today's impersonal, bureaucratized public schools.[11] This is not to say that schools should never provide specialized tutors for children with special needs. But the schools should be able to make such decisions according to their own educational criteria, not monolithic Federal requirements.

In spite of all these arguments for reform, the vested interests which benefit from old-style Chapter One have made it clear that they are not willing to consider any fundamental changes in the program. They have developed several arguments against the Equal Educational Opportunity Act, which they presented at a Congressional hearing in April 1983. Every one of their arguments is self-serving, paternalistic, or both.

First, they argue that Chapter One is a "successful"

program and should therefore be left unchanged. They cite studies by the National Assessment of Educational Progress which find that test scores of elementary-school children, and especially of black children, have recently been rising. They point out that these are precisely the groups targeted by Chapter One, and from this they infer a cause-and-effect relationship.

This argument is a classic example of the ancient logical fallacy, *post hoc ergo propter hoc*. There are several other possible explanations of recent improvements in elementary education: for example, the back-to-basics movement began to have real impact only in the last half of the 1970's. (Chapter One, in contrast, has been in effect since 1965, and it is universally agreed that for at least the first half of its history, test scores at all levels of schooling were going down.)

A truly rigorous evaluation of Chapter One would systematically, comprehensively compare the achievement gains of Chapter One children and of *comparable* non-Chapter One children. The National Assessment has never done this. Other studies of Federal compensatory education programs vary widely in scope and quality, but for the most part their findings are considerably less favorable than one would ever guess from the press releases of old-style Chapter One's defenders. Two researchers at the University of Pennsylvania recently analyzed 47 of these studies. They found that participants had a slight edge over non-participants, that the efforts were probably not sustained, that there was no significant correlation between spending and achievement gains, and that no particular approach or program characteristic was found to be consistently effective.[12] In light of the fact that Washington has spent some $40 billion since 1965 on compensatory education, these results are hardly impressive.

But for the sake of argument, suppose that old-style Chapter One is just as successful as its lobbyists claim. Even if that were the case, and if new-style Chapter One were enacted, there would be nothing to stop schools from continuing to spend their Chapter One funds on exactly the

same activities as under the old *regime—if* the parents had the same high opinion of those activities as the administrators. If old-style Chapter One's advocates are as sure of the program's merits as they claim, they should welcome the chance to let parents give them a vote of confidence.

But this brings us to another of the arguments against vouchers. Lobbyists like Mary Futrell of the National Education Association claim, or at least strongly imply, that lower-income parents are not now able to make the best educational decisions on their own—that these parents need to be controlled by better-informed experts. Unlike more old-fashioned elitists, Mrs. Futrell attributes this incapacity not to genetic defects but to the way "this nation has 'colonized' many of its poor and minority communities."[13] But if colonialism is the problem, it would seem that decolonization-freedom is the solution. If we applied the same kind of logic to the Third World that Mrs. Futrell applies to American minorities, we would have to return huge chunks of Africa and Asia to European rule.

The fact of the matter is that blacks, Hispanics, and other minorities are perfectly capable of distinguishing between mediocrity and excellence in education. Indeed, they have proved more immune than affluent WASP suburbanites to the romantic, self-indulgent follies which crippled American education in the 1960's and 1970's. As social theorist Christopher Lasch observed, black parents during this period "clung to what seems today an old-fashioned—from the point of view of educational 'innovators,' a hopelessly reactionary—conception of education. According to this supposedly traditional view, the school functions best when it transmits the basic skills on which literate societies depend, upholds high standards of academic excellence, and sees to it that students make these standards their own."[14] In other words, black parents continued to prize what used to be called "Western civilization" and is today called "middle-class values."

During the two decades since old-style Chapter One was first authorized by Congress, researchers have put considerable effort into studying effective schools, both public and

private. From this effort, shared by liberals, neoconservatives, and paleoconservatives, has emerged a remarkable consensus. It is today generally agreed that effective schools share the following characteristics: strong leadership from the principal, orderly classrooms, emphasis on the core academic skills, and a climate of shared values.[15] The presence or absence of these qualities is far more decisive than the size of a school's budget.[16]

This new consensus has an interesting similarity to Aristotelian ethics and supply-side economics: it is a scholarly reaffirmation of common sense. When the prejudices of government school officials and of grass-roots parents are both put to the most rigorous empirical tests we can devise, it turns out that the parents are more nearly right. For example, surveys of popular attitudes toward education have repeatedly found that discipline is at or near the top of the parents' list of concerns, even while the professionals were insisting that the schools' most pressing need was for more money.[17] Even if they have never taken an education course or read a commission report in their lives, parents can see the difference between good schools and bad schools. They do not need to be "protected from themselves" by a monopolistic elite of professionals; in fact, the advent of consumer choice for parents will give the professionals more incentive than ever to work for precisely those changes that are most urgently needed.

Yet another argument advanced by opponents of the Equal Educational Opportunity Act is that it would increase racial segregation. This is perhaps the most brazen of all their arguments, since it is based on mere assertion, with no empirical evidence whatsoever. The government monopolists would like us to think that all private schools are racist. But in fact the average private school is considerably better integrated than the average government school.[18] The most segregated of all schools are the so-called "public" schools in elite suburbs, where "tuition" consists of mortgage payments and property taxes beyond the budgets of all but a tiny fraction of minority families. In inner cities with large concentrations of disadvantaged minority families, it is not uncommon for those families to have only two realistic

choices in education: a segregated government school and an integrated school affiliated with the Catholic Church. In Washington, D.C., for example, government school enrollment is more than 90 percent black, while Catholic-school enrollment is about 65 percent black. In fact, 51 percent of the children in Washington's Catholic schools are from non-Catholic families.[19] Even if racial integration were the *only* educational goal that mattered, it is clear that the fastest way to achieve this goal in such a city would be through vouchers.

A close reading of the arguments against vouchers makes it clear that neither racial integration, nor academic performance, nor parental competence is the core issue for the mainstream of the government school establishment. The establishment's leaders are simply not going to be converted by any conceivable new evidence related to these issues; that is why they are unalterably opposed even to small-scale experiments which might test competing predictions about the actual results of vouchers.[20] Their bedrock opposition to vouchers is based not on fact, but on principle.

Shorn of all tinsel, the issue of principle is this: whose child is it? If the answer is "the parents," the burden of proof is on those who would limit, regulate, or deny parental choice. If the answer is "the state," then the burden of proof falls onto the parental mavericks who seek "exemption" from the universal presumption that government is the superior educator.[21]

In 1979 the Association of California School Administrators provided an unusually candid discussion of its reasons for opposing vouchers. "Parent choice," said its report, "proceeds from the belief that the purpose of education is to provide individual students with an education. In fact, educating the individual is but a means to the true end of education—which is to create a viable social order to which individuals contribute and by which they are sustained. 'Family choice,' is, therefore, basically selfish and anti-social in that it focuses on the 'wants' of a single family rather than the 'needs' of society."[22]

Ironically, the most trenchant comment on this reasoning

came from Berkeley law professor John Coons, a liberal Democrat who was appointed to the Presidential Advisory Panel on Financing Elementary and Secondary Education by President Carter, and fired by President Reagan. Coons called the Association's statement "another profoundly disturbing revelation of the elitism of public administrators: The school, you tell us, is not to provide the student education but rather to shape him to the social order of which you are the oracles; the human impulse to self-perfection is selfish and destructive of that order and can be tolerated only when exercised by the rich. The fact that you could in all innocence publish such a statement says everything the public now fears about our educational leadership."[23]

The establishment's use of this line of argument against the Chapter One voucher proposal has been less dramatic, but no less disturbing. Mrs. Futrell of the NEA said the bill "seriously undermines the concept of public services . . . (and) opens questions on the viability of police, transportation, and other public services."[24]

Now it happens that Mrs. Futrell's analogy of schools to transportation proves the opposite of what she claims. The movement to deregulate transportation brought together what was perhaps the single broadest coalition of the 1970's, ranging from Milton Friedman to Ralph Nader. Her other example is both more accurate and more revealing. Our century has seen several regimes which succeeded in organizing schools, newspapers, and other such institutions in the same manner as the police. These regimes are called, aptly, "police states."

The debate over the Equal Educational Opportunity Act, if carried out in broad daylight, is a debate that the education establishment cannot win. Most Americans do not agree that children should be treated as wards of the state, or that lower-income parents should have their choices made for them by the same government agencies that have made American education the equivalent of Soviet agriculture. With just a little effort and imagination, the Reagan Administration could do with this bill what it did with the

Kemp-Roth tax cuts in 1981, combining sound policy with smart politics.

Unfortunately, once the bill was introduced the Administration did next to nothing. Secretary of Education Terrel Bell was (and is) preoccupied with efforts like his "technology initiative" and his National Commission on Excellence in Education, which provide the groundwork for creating even more Federal programs and go out of their way to avoid promoting parental choice.[25] When the Secretary appeared before the House Education and Labor Committee to discuss the bill, his performance was so inept that it can be explained only by gross incompetence or deliberate sabotage.

The low point of Bell's testimony came when Congressman George Miller (D-Calif.) asked the Secretary what would happen if a school district found that many of its disadvantaged children wanted to transfer to private schools. Bell replied, "The school district would be totally in control. They could still not permit any of them to move to the new position unless they wanted to. It would be like it is pretty much now, Mr. Chairman, with Public Law 94-142. The parents, the local education officials, and the parents of the children, would have to concur before this would happen. . . . There would need to be a meeting of the parents and local school officials, much like we now have the individualized education plan developed for the private school children, and then the decision could be made on a case-by-case basis as to how it ought to be approved and whether it should or whether it shouldn't."[26]

In other words, Secretary Bell's concept of "parent choice" is that government-school officials would have veto power over any choice they did not like. And his model for the implementation of new-style Chapter One is the Federal program for the education of the handicapped, which is probably the most cumbersome, intrusive, and rule-laden of all Federal education programs. His words reveal not just a failure to understand his own Administration's proposal, but a probably incurable preference for top-down, government-dominated systems of control. It would

be hard to imagine an attitude more incompatible with the spirit of the Equal Educational Opportunity Act.

An equally disappointing response to the voucher proposal came from the U.S. Catholic Conference. Richard Duffy, the Conference's education specialist, did not even wait for the details of the new proposal to be revealed, but immediately began passing the word in January of 1983 that the Conference would oppose it.[27] He told the *Washington Post*, "We're very satisfied with the way the current system is working."[28]

Do the views of the Washington staff of the U.S. Catholic Conference on this issue represent the views of Catholic parents and educators across the country? There is at present no way of knowing, for the Washington staff moved to torpedo the voucher proposal before its constituency could learn anything about it.[29]

Since the Equal Educational Opportunity Act was drafted, education reform has become one of the hottest issues in American politics. Half a dozen establishment-dominated task forces and commissions have finally agreed that the problems are serious, and they have proposed scores of changes, ranging from longer school days to compulsory kindergarten to computerized instruction. Unfortunately, these proposals all share one fatal flaw: they are indifferent, even hostile, to freedom. If they were put into effect *en bloc*, the one certain result is that state education officials would have even more power than now, and individual school principals, teachers, and parents would have even less.

If freedom were incompatible with educational excellence, this result might be acceptable. But the experience of the last two decades points to just the opposite view. Precisely as decision-making power has been drawn away from parents and local school boards, and centralized in state capitals and in Washington, we have seen the longest and fastest decline in academic performance in the history of the republic. Freedom—consumer sovereignty—is the only effective way to force the education establishment to pursue those reforms that are good for children but not good for the establishment's self-interest.[30]

Freedom has become the only practical way to advance another educational ideal: equality. Conventional egalitarian tactics have reached a dead end because conventional egalitarians have now achieved everything they can get away with in a democracy. For example, the only way forced busing could be made to "work" would be for the government to dictate where parents may live, and that is simply not going to happen.

But conventional egalitarians forget that there are not one, but two ways to promote equality of opportunity. We can take freedom away from the rich, which does not work. Or we can give freedom to the poor, which does work—and which is precisely what the Equal Educational Opportunity Act will do.

Notes

1. For an especially penetrating analysis of the Federal Tax Code's perverse effects, see Thomas Vitullo-Martin, "How Federal Policies Discourage the Racial and Economic Integration of Private Schools," in Edward M. Gaffney, Jr., ed., *Private Schools and the Public Good: Policy Alternatives for the Eighties*, (Notre Dame, Indiana: Notre Dame University Press, 1981).

2. See Ronald F. Docksai, "Education," in Charles L. Heatherly, ed., *Mandate for Leadership: Policy Management in a Conservative Administration*, (Heritage Foundation, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002, 1981), p. 177. "Even if it did not pass, this proposal would make it impossible for anyone to accuse the Administration of 'middle-class bias' in its advocacy of private-school tuition tax credits. . . . If it *did* pass, the Administration would be rescuing the public-school monopoly's most helpless victims, the inner-city blacks and Hispanics, at a single stroke. This one victory would sound the death-knell for statist education."

3. From 1965 to 1982, the statute authorizing the Federal compensatory education program was *Title* One of the Elementary and Secondary Education Act. In 1981 Congress passed the Education Consolidation and Improvement Act, *Chapter* One of which re-authorized the program and made some minor changes in its structure. For simplicity's sake, the term "Chapter One" is used throughout this essay.

4. *Toward More Local Control: Financial Reform for Public Education*, Final Report of the Advisory Panel on Financing Elementary and Secondary Education, (Washington: U.S. Government Printing Office, 1983), pp. 5-6. "The Panel recommends that Chapter 1 (Part 4) be voucherized and the states be held accountable. The 'anti-poverty' orientation would remain, but the money (in voucher form) would go directly to the children's parents rather than the public school districts.

Voucherizing the Chapter I program would fulfill the original intent of Congress to provide 'equitable services' for all children including those in private schools. This type of program would not increase the federal deficit because it simply restructures a program that already exists and redirects money that is already being spent. Such a program would give more flexibility to the states." At almost exactly the same time as the Advisory Panel's report, Texas sociologist Lucy Patterson strongly endorsed Chapter One vouchers as a "priority" reform in a study of the Department of Education commissioned by the Heritage Foundation. According to Mrs. Patterson, "No education proposal would do more than this one to help blacks and Hispanics, or to jolt our stagnant schools into the twenty-first century." See Lucy Phelps Patterson, "Education," in Richard N. Holwill, ed., *Agenda '83*, (The Heritage Foundation, 214 Massachusetts Ave., N.W., Washington, D.C. 20002, 1983), p. 119.

5. See "Reagan Administration Betrays Christian Schools," *Human Events*, Sept. 10, 1983. The typical fundamentalist Christian school has never received one dime of Federal subsidies, but since 1978 there has been an energetic effort to impose racial quotas on these schools on the alleged ground that tax-exempt status is "Federal financial assistance." See Jeremy Rabkin, "Behind the Tax-exempt Schools Debate," *The Public Interest*, Summer 1982.

6. See Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy*, (New York: Basic Books, 1975); and Lino Graglia, *Disaster by Decree: The Supreme Court Decisions on Race and the Schools*, (Ithaca, New York: Cornell University Press, 1976).

7. Ironically, graduates of these programs are probably less well-equipped to teach children than the average, randomly chosen college graduate. For a detailed study of a typical state teacher's college (not in Nebraska), see William Thorburn, *What's Wrong with Teacher Education: A Case Study*, LEARN, Inc., Suite 310, 655 15th St. N.W., Washington, D.C. 20005, 1983.

8. Robert Baldwin, "Parents Deserve Tax Credits," *Moral Majority Report*, February 1983.

9. Lucy Phelps Patterson, "Education" in Richard N. Holwill, ed., *Agenda '83*.

10. Richard Jung, *Nonpublic School Students in Title I, ESEA Programs: A Question of 'Equal' Services*, Report to the Planning and Evaluation Service, U.S. Department of Education, Contract No. 300-80-0933, Washington, D.C., September 1, 1982.

11. Rand Corporation researcher Paul Hill concluded after a year-long study of Chapter One that it often causes serious confusion by disrupting the school day. He said children are frequently "taught different skills in the same subject, such as arithmetic, in different sequences. The kids get confused." See Lawrence Feinberg, "Study Says Remedial Programs Often Disrupt Classes," *Washington Post*, Dec. 15, 1981. In 1980 a Chapter One administrator in Washington admitted that if schools were to follow the letter of the law, "you'd have to have the program on Saturdays." See *Education Times*, Feb. 11, 1980.

12. Stephen P. Mullin and Anita A. Summers, "Is More Better? The Effectiveness of Spending on Compensatory Education," *Phi Delta Kappan*, January 1983. See also Carl F. Kaestle and Marshall Smith, "The Federal Role in Elementary and Secondary Education, 1940-1980," *Harvard Educational Review*, November 1982: "After almost two decades of intervention, the Title I program stands primarily as a symbol of national concern for the poor, rather than as a viable response to the needs." Also William Cooley, *Educational Leadership*, January 1981: "On balance, Title I is not providing the kind of achievement that people hoped it would have. An unfortunate aspect of the evaluation of Title I is the focus on justifying the Federal funding program by seeking an overall Title I effect, instead of focusing on ways in which Title I practices might be improved." California reading specialist Paul Copperman believes that Chapter One is actually *harmful* to academic achievement: "The mass of federal regulations which public schools must obey when spending this money virtually insures that the money will not be used to serve the needs of children, but in fact will only serve the needs of the politicians who pass the legislation, the bureaucrats who administer it, and the community residents who use it as a jobs program. . . . Compensatory education is little more than an educational boondoggle." Testimony before U.S. House of Representatives, Subcommittee on Legislation and National Security, Hearings on the Department of Education Organization Act, March 26, 27 and April 5, 1979.

13. Statement of Mary Hatwood Futrell before the U.S. House of Representatives, Subcommittee on Elementary, Secondary, and Vocational Education, Hearings on the Equal Educational Opportunities Act of 1983, April 6, 1983. Mrs. Futrell managed to accuse her opponents of the very attitude which her own organization is perpetuating: paternalism. She said, "The effectiveness of a voucher system depends on the kind of information parents have about educational alternatives and on their capacity to use this information well. Advocates of vouchers feel that parents know best about the individual needs and aptitudes of their children. Adequately informed, say these advocates, parents are in the best position to select and oversee the educational environment in which their children are most likely to flourish. Failing to understand how effectively this nation has 'colonized' many of its poor and minority communities leads to the same misguided positions of paternalism and 'noblesse oblige' that distort much of our foreign policy. With good information and real alternatives, poor families are able, or capable of learning in short order, to make as good decisions as anyone else. The critical question, therefore, concerning how poor families might fare under a voucher system is whether real alternatives will be accessible." See also the testimony at the same hearing of Grace Baisinger of the National Coalition for Public Education, who concluded that ". . . it defies reality to assume that most of the parents of the 'very poorest' of the nation's disadvantaged children—who in many cases are themselves the victims of some of society's most difficult social problems—will be aware of and will make the most informed educational choice for their children."

14. Christopher Lasch, *The Culture of Narcissism: American Life in an Age of Diminishing Expectations*, (New York: Norton, 1979), pp. 248-49.
15. See George Weber, *Inner-City Children Can Be Taught to Read: Four Successful Schools*, Council for Basic Education, 725 15th Street N.W., Washington, D.C. 20005, 1971; Ronald Edmonds, "Some Schools Work and More Can," *Social Policy*, March/April 1979; Michael Cohen, "Effective Schools: Accumulating Research Findings," *American Education*, January/February 1982.
16. See James S. Coleman, *et al.*, *Equality of Educational Opportunity*, (Washington, D.C.: U.S. Government Printing Office, 1966); Christopher Jencks *et al.*, *Inequality: A Reassessment of Family and Schooling in America*, (New York: Basic Books, 1972).
17. See the Gallup polls on public attitudes toward education which have appeared annually in *Phi Delta Kappan* for the last decade.
18. "About 60 percent of the classmates of the average black student in the private sector are white, as compared with about 38 percent for the average black student in the public schools. . . ." James Coleman, Thomas Hoffer, and Sally Kilgore, *Public and Private Schools*, National Center for Education Statistics, Washington, D.C., 1982, p. 43.
19. Danielle Schultz, "Lessons from America's Best-Run Schools," *Washington Monthly*, November, 1983.
20. ". . . The National Education Association is solidly opposed to the enactment of federal and state legislation promoting voucher feasibility studies. . . ." Legislative Statement, "Voucher Plans," NEA Office of Government Relations, Washington, January, 1983.
21. On this issue see the statement of William Ball, before the U.S. Senate, Committee on Labor and Human Resources, Hearings on Quality Education, October 19, 1983.
22. Quoted in *Background Material on the Family Choice Initiative*, Republican Caucus, California State Assembly, November 1979, p. viii-12.
23. Ibid.
24. Futrell testimony, Hearings on the Equal Educational Opportunities Act of 1983.
25. See the author's "The Reagan Administration and Education," *Human Events*, Feb. 26, 1983; and "Education: Do More or Do It Differently?", *Washington Times*, June 15, 1983.
26. U.S. House of Representatives, Subcommittee on Elementary, Secondary and Vocational Education, Hearings on the Equal Educational Opportunities Act of 1983, April 6, 1983, pp. 9-12.
27. Telephone conversation with Mr. Duffy, January, 1983.
28. *Washington Post*, Jan. 21, 1983.
29. In December of 1983 I asked a Catholic school principal in Washington whether he had ever heard of the proposal to turn Chapter One into a voucher system. The answer was "No."

I met with Mr. Duffy of the USCC staff in late January to learn more about his objections to the proposal. These objections seemed so

patently unconvincing to me that I went home and wrote Mr. Duffy the following letter:

". . . Please have patience while I try once more to convince you.

"You say that you fear putting lower-income children into direct competition with handicapped children for the same program dollars. I agree that the original 1981 block-grant proposal would have had this effect, but the new voucher proposal would have just the opposite effect. By making the Title I structure radically different from the structure of P.L. 94-142, the voucher plan would make it harder than ever to consolidate the two programs into one."

"You say that the new structure might make courts more likely to outlaw Title I assistance to parochial schools on specious First Amendment grounds. But I would think that the voucher structure would tend to increase the percentage of participating children who are enrolled in *secular* private schools, and would therefore make it easier to satisfy the courts that Title I assistance to private-school children is non-religious in its primary purposes and effects. I would urge you to check with a friendly legal scholar like Jack Coons before making any hard-and-fast judgment about this aspect of the issue."

"You say that your advisory board tells you that the Title I program is equitable to Catholic schoolchildren as currently structured. I'm sure you've heard from more Catholic educators on this than I, but I want you to know that most of the ones I have consulted don't agree. One said that his students get fair treatment *only* because he's constantly fighting to get their share, and that he'd be delighted with a voucher mechanism which would deliver equal shares automatically."

"Unlike our secularist libertarian friends, you and I want *both* educational pluralism and extra help for the poor, both liberty and equality. I think Title I vouchers would promote both goals."

Mr. Duffy never responded.

30. See the author's "Where is the 'Merit' in New Merit-Pay Plans?", *Education Week*, Sept. 14, 1983.

Editor's note

The views of those opposed to the voucher program are well expressed in the following letter to Secretary Bell from Father Thomas Gallagher, Secretary of Education for the U.S. Catholic Conference. The letter is dated April 19th, 1983.

The Honorable Terrel Bell
Secretary for Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Secretary:

Let me begin by saying how grateful I am that you could take the

time to be with us for the Congressional breakfast on April 7th. It was a very successful occasion from the reports that we have heard and I think the presence of people like yourself made it that.

As I told you at the breakfast, we have had the opportunity to review in detail a draft of legislation proposed by the Department of Education to provide state and local educational agencies the option of using funds from Chapter 1 of the Education Consolidation and Improvement Act of 1981 for vouchers for economically and educationally disadvantaged children. We also had the opportunity to consult, about the proposal, with a broad representation of Catholic school leaders from areas where there are high percentages of our students participating in Chapter 1 programs.

As advocates for the free exercise of parental rights in education, we welcome the Department's openness and willingness to experiment with educational vouchers as a vehicle for providing parents, especially parents of poor and minority group children, with the opportunity to choose an education best suited for their children. Too often parents' rights in this area are merely rendered "lip service" while the opportunity to exercise such rights are scant. However, as I pointed out on April 7, while applauding the Department's consideration of a voucher option, we have some serious concerns about the practical effects of the proposal to voucherize Chapter 1.

The Catholic school community is particularly concerned about any plans to change the program authorized by Chapter 1. This program has been in operation for over 15 years, providing badly needed benefits to educationally deprived children in both public and private schools. Equitable benefits for children in private schools have been achieved only after many years of major efforts by private school representatives in school districts throughout the country. Today, there are significant Chapter 1 programs operating in every major metropolitan area of the nation, providing services to our students. We consider this program a successful one for both public and private school students.

Our assessment of the Department's voucher proposal raised numerous questions from many quarters which were not readily answered by a reading of the proposal, nor were some of them adequately answered during our early conversations with you and your staff. A sampling of these questions are listed below.

(1) What will be the criteria for determining which child receives a voucher? Would it be on the basis of an education need or would it be on the basis of an economic need?

(2) If the voucher can be used as tuition payments at a private school, what happens if the tuition is more than the amount of the voucher?

(3) Would this program be available to children already attending private schools or just to those presently enrolled in public schools? What criteria would be used in selecting parents to receive vouchers?

(4) If a student elects to use the voucher at either a public or private school outside his home district who would pay for the cost of transportation?

(5) If sufficient numbers of students within a school district elect to use Chapter 1 funds to attend private schools or public schools outside the district, conceivably this could exhaust that district's Chapter 1 funds. If such happens, how would students already attending public and private schools and in need of special educational services once provided by Chapter 1 receive them?

These are just a few of the many questions raised about the specifics of implementing the proposed Chapter 1 voucher which make us uneasy about its potential for success. We fear that voucherizing Chapter 1 could weaken a successful educational program which, since 1965, has provided needed services for poor and educationally disadvantaged children.

Until our uncertainty is dispelled we would have to withhold our support for the proposal to voucherize Chapter 1.

As an alternative to voucherizing Chapter 1, the Catholic school community may be receptive to an experimental program with new monies targeted to disadvantaged students attending secondary schools. Such a program would have the twofold effect of not jeopardizing the Chapter 1 program, which is focused primarily at the elementary level, and of providing the Department with a "showcase" for the exercise of parental rights and free choice in education for poor and minority groups at the secondary level.

Thank you for the opportunity to review and comment upon your Department's proposal, and in particular, for your attention and consideration of our suggestions in this letter.

Sincerely,

Rev. Thomas G. Gallagher
Secretary for Education